

REVISED LAWS OF  
MINNESOTA 94

SUPPLEMENT 1909

CONTAINING

THE AMENDMENTS TO THE REVISED LAWS,  
AND OTHER LAWS OF A GENERAL AND  
PERMANENT NATURE, ENACTED  
BY THE LEGISLATURE IN  
1905, 1907, AND 1909

WITH HISTORICAL AND EXPLANATORY NOTES TO PRIOR STATUTES  
AND FULL AND COMPLETE NOTES OF ALL  
APPLICABLE DECISIONS

COMPILED AND ANNOTATED BY  
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financial matters of the several institutions named in this act, so far only as relates to the erection and construction of new buildings, the purchasing of fuel and the placing of insurance on buildings and contents. When new buildings are to be erected and constructed by authority of the state, it shall be the duty of the board of control to cause to be prepared plans and specifications for the same, but in so doing it shall consult with the local boards in respect to said plans and specifications, and shall adopt and carry out so far as it deems practicable their requests and desires in the matter. ('05 c. 119 § 7)

## CHAPTER 15.

### RELIEF OF THE POOR.

#### GENERAL PROVISIONS.

##### 1485. Support of poor.

See section [1485—] 1.

##### [1485—] 1. Failure to support—Recovery under town system.—

Whenever any relative chargeable with the support of any poor person fails or neglects, after being directed by any town, city, or village under the town system of poor relief, to furnish to such poor person support, maintenance, burial, and in case of non-resident, expenses of removal any such town, city or village furnishing the same may recover in any court of competent jurisdiction from such relation who is resident of this state, any such sum so furnished by it; whether such poor person is a resident of such town, city or village or not. In the event that said poor person shall have no relative chargeable therewith such town, city or village so expending the same may after like notice recover from any town, city or village within this state, which is charged by law with the support of such poor person, any sum so expended. (Laws 1889, c. 170, § 8, as amended by Laws 1905, c. 327, § 1.)

**Historical.**—“An act to amend section 8 of chapter 170 of the General Laws of Minnesota for the year 1889, entitled ‘An act to authorize counties to change their system for caring for the poor,’ the same being section 1979 of the General Statutes of Minnesota for the year 1894.” Approved April 19, 1905.

Laws 1889, c. 170, was repealed by R. L. § 5538; the provisions of said section 8 being incorporated in section 1485. So far as the amended section above set forth differs from said section 1485, it is to be construed, by virtue of section 5504, as amendatory or supplementary.

##### 1488. Settlement.

**In general.**—Upon a division of a town and the creation of an independent municipality from a part of its territory, the settlement of a self-supporting person is in the municipality in which he happens to dwell at the time of such division; but if a person goes from one part of the town to another part, which is afterwards incorporated as a new municipality, and is there continuously supported from the date of his removal until such division as a pauper by the old town, it thereafter continues liable for his support. *Peterson v. Town of Emarville*, 101 Minn. 24, 111 N. W. 652.

In an action under G. S. 1894, § 7059, for reimbursement for expenses incurred in medical and other attendance upon a poor person, finding that he did not have a legal settlement in defendant county was sustained by the evidence. *Village of Hewitt v. Board of Com'rs Hubbard County*, 103 Minn. 41, 114 N. W. 261.

#### COUNTY SYSTEM.

**1498. Temporary relief.**—If upon inquiry such member be of the opinion that only temporary and limited assistance will be required by such person, or any member of his family, and that it will be

[1484—]29. **Monthly statements—Pay rolls—Duties of state auditor and treasurer.**—Each purchasing agent shall at the close of each month prepare in triplicate statements showing all purchases made by him during said month for the several institutions, the names and addresses of persons from whom said purchases were made and the several prices paid therefor. He shall accompany the same with an affidavit that the statement is correct, that the articles therein specified were duly authorized by the proper board upon prepared statements and estimates, were received under his direction at the institution named therein, that the several prices paid therefor were reasonable, that said goods were of proper and stipulated quality and grade, and that neither he nor any person in his behalf has any pecuniary or other interest in said purchases, or has received or will receive in any way any pecuniary or other benefit therefrom. He shall also each month prepare in triplicate and cause to be receipted by the signatures of the several parties named therein, payrolls showing the monthly salaries and compensation of all officers, teachers and employes in said several institutions, and shall file one copy of said statement and said payroll with the president of the board of regents or president of the normal school board, as the case may be, and two copies with the state auditor. The auditor upon receiving the same shall draw his warrant upon the state treasurer for the amount called for in each expense list and payroll, and transmit the same to the treasurer, attaching thereto a copy of said expense list and payroll. Upon receipt of the same the treasurer shall send his checks to the several persons named therein for the amount of their respective claims. ('05 c. 119 § 4)

[1484—]30. **Expenses of boards, how authorized and paid.**—No member of the board of regents or of the normal school board, and no person in the employ of either board shall be paid for any expense incurred, unless it shall appear that said expense was duly authorized by the executive committee or the president of the board, and an itemized, verified account of the same, accompanied by sub-vouchers, where said sub-vouchers are practicable, is furnished by the claimant, and filed with the state auditor for his written audit. Such verification shall state that said expense bill is just and correct and for money actually and necessarily paid or to be paid for the purposes therein stated. If said expense is to be incurred in visiting another state, then, before said visit is authorized or undertaken, the said executive committee or president must certify, in writing, the purpose of said visit, the necessity existing for the same, and the maximum expense to be incurred therefor, which certificate must be presented to the governor of the state for his approval. If he does not approve the same, the said visit shall not be undertaken. If the above provisions are complied with, the auditor shall pay such expense account in the same manner as monthly expenses and salaries are paid under the provisions of this act. ('05 c. 119 § 5)

[1484—]31. **Exceeding appropriations—Penalty.**—It shall be unlawful for the board of regents or the normal school board to permit any expenditures for any purpose in excess of the amount appropriated or contemplated by law, and any member or agent of either of said boards violating this provision, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than one hundred dollars or more than one thousand dollars, or be imprisoned in the county jail for not less than six months, or by both fine and imprisonment. ('05 c. 119 § 6)

[1484—]32. **Authority of board of control—New buildings.**—The board of control shall have and exercise full authority in all

for the best interest of the county to grant the same, instead of making the order aforesaid, he may allow such person or any member of a family relief to the amount that he may deem expedient, subject to the following conditions:

(1) No money shall be paid to any poor person under this section except that when transportation is furnished, a small sum may be given to such person to buy food.

(2) Relief shall not be granted to any one person or any one member of a family in a sum exceeding thirty-five dollars in one calendar year, except that in cases extended relief is asked before July 1st and approved by the commissioner, the board may, by resolution, authorize him to increase the relief to the amount of \$75.00 and, by resolution unanimously adopted, authorize him to increase the relief to the amount of two hundred dollars, or so much thereof as may be necessary.

When relief is given under this section, an itemized and verified bill of goods furnished or services rendered, accompanied by an acknowledgment of the same from the person receiving them, must be presented to such member. Upon his approval thereof, he shall direct the auditor in writing to issue his warrant for the amount specified to be paid out of the fund for the support and relief of the poor. A blank form for such bill, acknowledgment, approval and order shall be provided by the auditor and used in all such cases. (R. L. § 1498, as amended by Laws 1907, c. 360, and Laws 1909, c. 290, § 1.)

[1508—]1. **Salaries of members of board of control and almshouse and hospital physician.**—The salary of each member of the board of control of any county in this state shall be \$600 per annum; and each such board is authorized to fix the salary of the almshouse and hospital physician appointed by it at such sum not exceeding \$5,000 per annum, as the board may deem proper. The salaries named herein shall be payable monthly out of the funds appropriated on account of salaries, or otherwise, for the maintenance of the board. ('05 c. 79 § 1)

**Historical.**—“An act to fix the salaries of the members of the board of control of any county and to authorize any such board to fix the salary of the almshouse and hospital physician appointed by it.” Approved March 25, 1905.

Such board of control exists in Ramsey county by virtue of special legislation.

## TOWN SYSTEM.

### 1511. Powers and duties of supervisors and councils.

**Notice to county auditor.**—The notice required by Laws 1903, c. 298, was not a condition precedent to the right of recovery by a town for expenses incurred in caring for a pauper who was a county charge. *Town of Highland Grove v. Clay County*, 101 Minn. 11, 111 N. W. 651.

[1514—]1. **Change from county system—Payment from county fund.**—That whenever the system for relief of the poor in any county is changed from the county system to the town system and there has been levied or assessed for the year in which such change occurs, a tax for the poor fund of such county under such county system, 80 per cent of the moneys received by such county for such tax shall be paid over to the treasurers of the various towns, villages and cities of such county in the manner hereinafter provided. ('07 c. 37 § 1)

**Historical.**—“An act authorizing counties to pay over to town, village or city treasurers, certain sums of money from the county poor fund, upon change from the county system to the town system of caring for the poor.” Approved March 13, 1907.

[1514—]2. **Same—Duty of county auditor.**—That on the 20th day of March, and the 20th day of June and the 20th day of No-

member in such year, the auditor of such county shall compute the amount of taxes collected for such poor fund from the taxpayers of each town, village or city in such county and which then remains in the treasury of such county, and shall draw his warrant in favor of the treasurer of each of such towns, villages and cities for 80 per cent of the amount received from such town, village or city, and the same shall be forthwith paid by the treasurer of such county. ('07 c. 37 § 2)

[1514—]3. **Same—Poor fund of towns, etc.**—The moneys so paid to the treasurers of such towns, villages and cities shall constitute the poor fund for such towns, villages and cities for the year in which such change is made. ('07 c. 37 § 3)

### COUNTIES EXCEEDING 75,000.

1515—1518. [Superseded.]

See sections [1518—]1 to [1518—]4.

[1518—]1. **Board of poor commissioners, how constituted.**—In counties having a population of over 75,000, and an area of over 5,000 square miles there shall be a board of three poor commissioners appointed by the chairman of the board of county commissioners of such county, with the approval of the judges of the district court of the judicial district in which such county is located. The terms of the members of the first board shall expire, respectively, on the first Monday of January, in the first, second and third years after their appointment. Upon the expiration of such terms, their successors shall be appointed in like manner for terms of three years; and vacancies shall be filled by like appointment for the unexpired terms. Upon the appointment of the first board, and annually thereafter on the first Monday in January, the board shall elect from its number a president and a vice president, to serve for one year, and until their successors qualify. It shall make rules for the government of its proceedings, and fixing the times for holding its meetings, and may amend the same at any time. The members shall receive no compensation for their services, but each shall be repaid out of the county poor fund his necessary expenses, a verified and itemized statement of which shall be filed with and approved by the board. It shall be provided with a suitable office, the expenses whereof shall be paid out of the county poor fund. ('07 c. 222 § 1)

**Historical.**—"An act to create a board of poor commissioners in counties having a population of over seventy-five thousand inhabitants and an area of over five thousand square miles, and to define the duties of such board." Approved April 17, 1907.

Section 5 repeals inconsistent acts.

R. L. § 1515, provided for the appointment of such board, and for their removal, by the judges of the district court. In other respects the section above set forth is identical with said section; and sections 2, 3, and 4 are identical with R. L. §§ 1516, 1517, 1518.

[1518—]2. **Powers and duties of board.**—Such board shall have all the powers and duties relative to the care of the poor which in counties having the county system appertain to the county board. All moneys arising from the labor of poor persons in its care, or from the produce of the poor farm, shall be paid to the board and by it paid into the county treasury, to the credit of the poor fund. No money shall be paid from such fund, except on vouchers of the board, signed by its president or vice president, and countersigned by its clerk. On the first Monday of January, April, July and October in each year, the board shall file with the county auditor an itemized statement of its receipts and expenditures for the preceding three months. ('07 c. 222 § 2)

[1518—]3. **Clerk.**—Such board shall appoint a clerk to serve during its pleasure; and fix his compensation, which shall not exceed one hundred and twenty-five dollars per month, and shall be paid out of the county poor fund. He shall keep a record of all the doings of the board; preserve in its office all documents relating to its business; keep an account of all its receipts and expenditures, and the name and address of each person to whom relief has been granted, with the amount and date thereof. He shall investigate the condition and needs of all persons by or for whom application is made for relief, and report to the board thereon. The board may authorize him to grant temporary relief in cases of emergency, but it shall by resolution limit the amount of relief to be so granted without previous action by the board. The board may employ such other assistance as may be necessary to discharge its duties. ('07 c. 222 § 3)

[1518—]4. **Taxes, how levied.**—On or before October 1, in each year, such board shall determine by resolution the amount of tax to be levied for the ensuing year for the support of the poor, the maintenance of the poorhouse and other places provided for the reception of the poor, and the erection of any buildings or improvements, and the adoption of such resolution shall constitute a levy on the property taxable in the county of the amount named therein; but the amount so levied for all purposes, except for the erection or repair of buildings, shall not exceed an amount equal to six-tenths of one mill on each dollar of assessed valuation. On or before October 5, thereafter, the board shall file a certified copy of such resolution with the county auditor, who shall enter the amount upon the tax lists. Such tax, when collected, shall be credited to the county poor fund. ('07 c. 222 § 4)

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## CHAPTER 16.

### INTOXICATING LIQUORS.

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#### LICENSES.

##### 1519. Sale forbidden.

**Operation of chapter.**—This chapter provides a general system for the regulation of the business of selling intoxicating liquors, which is operative throughout the state and imposes a standard of regulation below which no municipality may fall. It does not deprive municipalities of their existing charter powers to provide for such supplementary and additional regulations as are required by local conditions. *Evans v. City of Redwood Falls*, 103 Minn. 314, 115 N. W. 200.

**Constitutionality.**—This section is not void because no maximum penalty is prescribed. *State v. Kight*, 106 Minn. 371, 119 N. W. 56.

**Construction and operation in general.**—The penalty provided in this section applies to violations of sections 1532-1534. *State v. Stroschein*, 99 Minn. 248, 109 N. W. 235.

An incorporated social organization, or club, is a "person"; and the distribution of intoxicating liquors in less quantities than five gallons by such a club to its members, for a consideration, though without profit, is a "sale" within this section, and is prohibited, unless protected by license. *State ex rel. Young v. Minnesota Club*, 106 Minn. 515, 119 N. W. 494, 20 L. R. A. (N. S.) 1101.

**Nature and scope of licensing power.**—A license is granted in pursuance of the police power, and not of the taxing power, of the state. Its primary purpose is not revenue, but regulation. It is subject to revocation. *Claussen v. City of Laverne*, 103 Minn. 491, 115 N. W. 643, 15 L. R. A. (N. S.) 698.

**Indictment.**—Under this section it is sufficient to charge in an indictment that the offender sold intoxicating liquors in quantities less than five gallons. *State v. Budworth*, 104 Minn. 257, 116 N. W. 486.